

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

AUG 02 2018

Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

CR 18-35-M-DWM

Plaintiff,

vs.

ORDER

JULIO CESAR LUNA-DIAZ,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on July 13, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

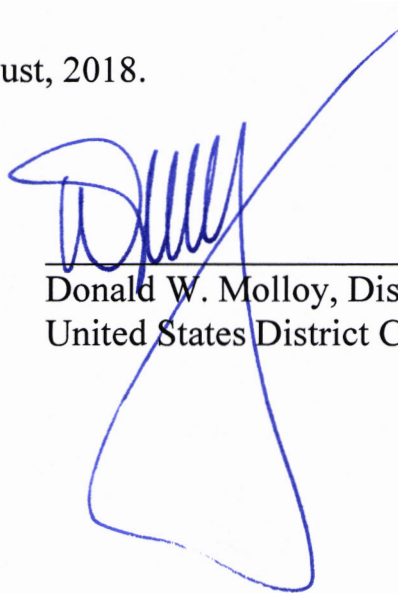
Judge Lynch recommended this Court accept Julio Cesar Luna-Diaz’s guilty plea after Luna-Diaz appeared before him pursuant to Federal Rule of Criminal

Procedure 11, and entered his plea of guilty to one count of illegal reentry of deported alien in violation of 8 U.S.C. § 1326(a), as set forth in the Indictment filed against him.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 20), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Julio Cesar Luna-Diaz's motion to change plea (Doc. 13) is GRANTED, and Julio Cesar Luna-Diaz is adjudged guilty as charged in the Indictment.

DATED this 2nd day of August, 2018.



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Donald W. Molloy, District Judge  
United States District Court